

National Aeronautics and
Space Administration
Office of Program
and Institutional Integration



NASA Management Office

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Reply to Attn of:

RC000/NMO

September 2, 2008

TO: Distribution

FROM: Chief Counsel

SUBJECT: Widely Attended Gathering Determination: *Stand Up To Cancer*

Stand Up To Cancer will host two star-studded shows, one at the Kodak Theater in Hollywood, California and the other at the Radio City Music Hall in New York City, New York. *Stand Up To Cancer* is a program of the Entertainment Industry Foundation, a 501(c)(3) charitable organization, and was established by a group of media, entertainment and philanthropic leaders, whose lives have all been affected by cancer in significant ways.

On September 5, 2008, ABC, CBS and NBC will donate one hour of simultaneous commercial-free primetime for the nationally televised fundraising event aimed at rallying the public around the goal of ending cancer's reign as a leading cause of death. The special will feature stars from film and television who will perform as well as present filmed content giving viewers insight into cancer. Television network news anchors Charles Gibson, Katie Couric and Brian Williams will report on potentially life-saving research, speaking with both patients and scientists. NASA is collaborating with *Stand Up To Cancer* and the television networks with regard to providing film footage about cancer research conducted at the International Space Station.

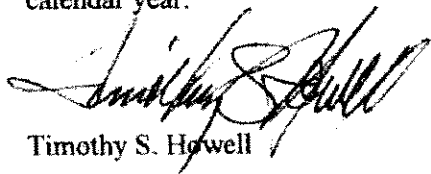
The potential viewing audience for the live broadcast will easily be in the millions of people. Attendance at the two theatrical sites will be in the thousands. More specifically, event organizers anticipate nearly 2500 guests for the performance at the Kodak Theater. ABC, CBS, and NBC have invited NASA and other government agencies and academia to attend the live performance at the Kodak Theater. Attendance at the Kodak Theater will be a widely attended gathering with civil servants from NASA and other government agencies (federal, State, and local) and representatives from over 500 research organizations from academia, non-profit and not for profit organizations, cancer research organizations, and cancer survivors. In light of the philanthropic and charitable nature of the event, there is no retail ticket sales for the gala events and there is no market value *per se*. Some tickets have been sold on eBay's charitable auctions with an average winning bid of \$250 dollars per ticket. The event organizers report that the value of the food and refreshments served at the after-event party is valued at approximately \$20 dollars per person.

WAG Stand Up To Cancer

I find this event meets the requirements of a "widely attended gathering" as defined in 5 CFR § 2635.204(g). I further determine that there is an Agency interest in having NASA personnel attend the event. NASA employees will have the opportunity to participate in this historical initiative related to the "War on Cancer". The event will serve as a forum for facilitating information concerning the Agency, the United States civilian space programs, and NASA technology – particularly the existing and potential application of that technology to the betterment of the human condition – with the public generally and, specifically, with persons with expertise and/or interest in the field of cancer research. Accordingly, NASA employees whose duties do not substantially affect *Stand Up To Cancer*, ABC, CBS, and NBC, or the other event sponsors may accept an invitation for themselves and their families for free attendance at the live theatrical performance.

NASA employees whose duties may substantially affect *Stand Up To Cancer*, ABC, CBS, and NBC, or the other event sponsors, such as by way of procurement duties, should seek an individual determination pursuant to 5 CFR § 2635.204(g)(3)(i) regarding participation in this event from their local ethics counselor.

In the event that trinkets or other mementos are distributed at the event, attendees are reminded of the \$20 gift exception at 5 CFR § 2635.204(a) which provides that employees may accept gifts for themselves (and family members) valued at no more than \$20 per occasion. NASA invitees are reminded not to exceed the \$50 cap on gifts from any one prohibited source in a calendar year.



Timothy S. Howell

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